

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS
DECEMBER 7, 2015**

1. MEETING CALLED TO ORDER

Chairman Chad M. Peterson called the meeting to order at 3:30 PM with all members present as follows: Mary Scherling, Ken Pawluk, Rick Steen, and Chad M. Peterson. Arland H. Rasmussen was present via conference call.

2. PLEDGE OF ALLEGIANCE

Brielle Edwards led the Pledge of Allegiance.

3. COMMISSION CHAIR AND VICE CHAIR, Elected for 2015-2016

MOTION, passed

Mr. Pawluk moved and Mr. Steen seconded to elect Commissioner Mary Scherling as Chairwoman and to elect Commissioner Chad Peterson as Vice Chairman for the period from December 7, 2015, to December 5, 2016. Motion carried. Mrs. Scherling conducted the remainder of today's meeting.

4. MINUTES APPROVED

MOTION, passed

Mr. Peterson moved and Mr. Steen seconded that minutes of the last regular meeting held November 16, 2015, and minutes of the informal planning session held November 16, 2015, be approved as written. Motion carried.

5. AGENDA, Order approved

MOTION, passed

Mr. Pawluk moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.

6. CONSENT AGENDA APPROVED

MOTION, passed

Mr. Pawluk moved and Mr. Steen seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.

- a. Adopt 2016 Cass County Commission meeting schedule as the first and third Monday of each month (Tuesday if Monday is a holiday) at 3:30 PM, with rotational meetings at 2:00 PM on Commission meeting days, and special meetings as called, and forward a copy of the meeting schedule to the Secretary of State and the County Auditor's Office; adopt Robert's Rules of Order for conducting meetings; and appoint Heather Worden as parliamentarian for Cass County Commission proceedings for 2016.
- b. Renew county beer and liquor licenses for 2016 for following applicants subject to review and approval by the State's Attorney, the Sheriff, and the respective township boards:

Beer and Liquor (Alcoholic Beverages)

Brenda Hocking, Club 94, Casselton
Bruce Schauer, Wild Rice Bar & Grill, Inc., Wild Rice
Richard and LaVonne Schroeder, Bronco Bar, Chaffee
Jack Nick, LLC, Knickerbocker Liquor Locker, Hickson

Beer Only

Red River Valley Fair Association, West Fargo
 The Shooting Park of Horace LLC, Horace
 City View Fuel, LLC, Enderlin
 Bear Creek Winery, Fargo

- c. Retroactively approve a special event permit for Bar Nine to serve alcoholic beverages on November 21, 2015, during the hours of 6:00 PM to midnight (12:00 AM), for a private social event hosted by Rick Berg held at Bonanzaville, U.S.A. in West Fargo, North Dakota.
- d. Authorize the chairwoman and county auditor to sign county deeds for tax-forfeited properties sold at the annual tax sale.
- e. Authorize the chairwoman and county auditor to sign a quit claim deed for a tax-forfeited property redeemed by the former owner.
- f. Authorize the county auditor to pay townships \$27,745.62, which is money owed for the 2011 flood based on an audit by the North Dakota Department of Emergency Services.
- g. Authorize the chairwoman to sign letters of concurrence as part of rural development funding applications for a water system improvement project in the City of Buffalo and a water system replacement project in the City of Arthur.
- h. Authorize the chairwoman to sign the annual maintenance certification form, which states that the county is properly maintaining highway construction projects that receive federal aid.
- i. Authorize the City of Mapleton to list Cass County as the project sponsor on a grant application for a proposed shared use path for Transportation Alternative Program (TAP) funding through the North Dakota Department of Transportation.
- j. Authorize the Cass County Sheriff's Office to purchase 11 vehicles in the amount of \$299,351 from the 2016 Sheriff's Office approved budget.
- k. Authorize the chairwoman to sign a purchase order for the Highway Department for the purchase of two Ram 5500 pickup trucks from Ryan Chrysler Dodge in the amount of \$85,580.
- l. Contract approval
 - Community Living Services, Fargo Cass Public Health, Sanford Home Care, Spectrum Home Care Fargo, and Tami's Angels—homemaker and/or personal care services for low income individuals for 2016;
 - Fargo Municipal Airport Authority—telecommunication fiber easement agreement for the Cass County Law Enforcement Center;
 - The Village Business Institute—Employee Assistance Program (EAP) for 2016;
 - VCI Asbestos Abatement Inc.—asbestos abatement work for the Cass County Law Enforcement Center.

7. PORTFOLIO ASSIGNMENTS AND COMMISSION SERVICE ON OTHER BOARDS, Commissioner portfolios and advisory board assignments for 2016 approved

Mrs. Scherling said portfolio assignments and commission service on other boards were discussed at the informal planning session held on November 16th, but further discussion is necessary.

Mr. Pawluk said as he is in his final term as commissioner, he believes the appointment to the Diversion Board of Authority should go to Mrs. Scherling. Mr. Pawluk will stay on the board as an alternate and also continue to serve on the Public Outreach Committee.

Mrs. Scherling said she is amenable to the appointment, but the Diversion Authority meeting time conflicts with the regularly scheduled meetings of the MetroCOG board, on which she currently serves. Mr. Steen said he will take the MetroCOG appointment.

MOTION, passed

Mr. Pawluk moved and Mr. Peterson seconded to amend Personnel Policy Section 1.30, Commission Portfolios, and to amend Commission Policy Manual 4.00, Advisory Boards, to reflect committee board assignments the county commissioners will serve in 2016 as follows: On roll call vote, the motion carried unanimously.

Personnel Policy Manual Section 1.30, Commissioner Portfolios:

Administrative Services

(COMMISSIONER MARY SCHERLING)

Auditor

Treasurer

Tax Assessor

County Recorder

Information Technology

County Administrator

- Buildings and Grounds
- Personnel

Human Services

(COMMISSIONER ARLAND RASMUSSEN)

Social Services

Public Safety Services

(COMMISSIONER CHAD PETERSON)

Sheriff

- Jail & Juvenile Center
- Emergency Management

Planning & Operation Services

(COMMISSIONER RICK STEEN)

Roads and Bridges

- Planning
- Weed
- Vector
- Water Resource Boards

Legal Services

(COMMISSIONER KEN PAWLUK)

State's Attorney

Veterans Service

Extension Service

Commission Policy Manual Section 4.00, Advisory Boards:

Metropolitan Council of Governments

Rick Steen

Chad M. Peterson (alternate)

Greater Fargo Moorhead Economic Development Corporation (GFMEDC)

Chad M. Peterson

Rick Steen

Lake Agassiz Regional Council

Arland H. Rasmussen

Rick Steen (alternate)

Board of Health

Arland H. Rasmussen (Social Services Portfolio Commissioner)

Chip Ammerman (alternate)

Flood Diversion Board of Authority

Darrell Vanyo
 Mary Scherling
 Ken Pawluk (alternate)
 Chad M. Peterson (alternate)

Building Committee

Chad M. Peterson
 Ken Pawluk

Flood Sales Tax Committee

Ken Pawluk
 Rick Steen

Flood Buyout Program Committee

Ken Pawluk

Cass County Planning Commission

Rick Steen

8. METROCOG, Amended Articles of Association and fiscal agreement approved

Bill Christian, Executive Director of Fargo-Moorhead Metropolitan Council of Governments (MetroCOG), was present to review and submit for approval the final draft of the Metro Articles of Association Amendment and the associated fiscal agreement.

Mr. Pawluk asked if Mrs. Scherling advocates approval. Mrs. Scherling said she does and a lot of time has been spent on the documents by the committee over the past year.

Mr. Peterson said the lack of parochialism and positivity within the MetroCOG board is commendable.

MOTION, passed

Mr. Peterson moved and Mr. Pawluk seconded to approve the amended Articles of Association for the Fargo-Moorhead Metropolitan Area Council of Governments (MetroCOG) and authorize the chair to sign the fiscal agreement for the operation of the Fargo-Moorhead Area MetroCOG. On roll call vote, the motion carried unanimously.

9. ROAD DEPARTMENT, Comprehensive Highway Plan for 2016-2020 approved

Jason Benson, County Engineer, said after the Comprehensive Highway Plan is approved, the document and maps will be posted on the Cass County website and shared with MetroCOG and other regional entities. The document provides transparency and spells out why certain road improvements are needed, and the order in which they will be completed. Mrs. Scherling said roads are a hot topic in the county and townships, and she has given multiple copies of the plan out to those who question when different road issues will be addressed.

MOTION, passed

Mr. Steen moved and Mr. Peterson seconded to adopt the 2016-2020 Comprehensive Highway Plan as an illustrative plan that provides future guidance for project planning, and for this plan to be reviewed and updated annually. On roll call vote, the motion carried unanimously.

10. COUNTY ENGINEER SALARY, Request approved to move engineer to Step 18 effective January 1, 2016

Mr. Benson said after the labor market analysis was received from Fox Lawson last August it was determined that salaries that were 15% below the market average would be reviewed. Mr. Benson is currently paid 14.6% below the market average, and was surprised to learn that he is the lowest paid county engineer in the state. He brings value and savings to the county through his work on the FM Diversion, legislative outreach, and work on alternative projects.

Mrs. Scherling thanked Mr. Benson for the extensive research he provided.

Mr. Pawluk said he felt Mr. Benson was underpaid previous to this presentation, and he appreciates his contribution to the county. However, the approval of this request may set a precedence for similar requests in the future. Mr. Pawluk asked if the request should first go to Fox Lawson.

Mr. Berndt said requests that are sent to Fox Lawson are reviewed to see if positions need to be re-graded. This position does not need to be re-graded, and Fox Lawson does not provide insight on where to place an employee within a pay range. An adjustment of this type has not occurred in the past. Mr. Berndt is supportive of the request, but believes it may open the door for similar requests in the future.

Mr. Pawluk said the Personnel Overview Committee should address similar requests in the future. In this instance, though, he believes the issue would ultimately come back to the Commission for approval.

MOTION, passed

Mr. Pawluk moved and Mr. Steen seconded to approve the request to move Jason Benson, Cass County Engineer, to a Step 18 effective January 1, 2016. Discussion: Mr. Peterson asked about the budget impact of adjusting Mr. Benson's salary. Mr. Montplaisir said there would be minimal impact on the budget. On roll call vote, the motion carried unanimously.

11. PERSONNEL POLICY HANDBOOK UPDATED

Mr. Berndt said over the past year, work has been done to update and rewrite the Personnel Policy Handbook. New laws have been incorporated, and for the most part there are no major policy changes. Cindy Stoick, HR Supervisor, has provided a summary of the changes made. A committee met periodically to work on the update and department heads have had a chance to review the handbook and offer input.

Policy changes of note include increasing the Family Sick Leave allowance to 160 hours per year from 40 hours, and the way in which employees can be compensated for on call pay.

Mr. Peterson asked about the policy on emergency closings. Mr. Berndt said it was not intentional to change that policy as the system in place continues to work well.

Mrs. Stoick said one other policy change worth noting is the change in the amount paid to on-call personnel. The current policy states on-call employees will receive \$50 a week for regular on-call time and \$100 a week for holiday on call time. The new policy will change the amounts to \$100 and \$200, respectively. The impact to the budget will be insignificant as very few departments have non-exempt on-call employees.

Mr. Berndt said the Personnel Policy Handbook will be presented for final approval at the next meeting.

12. FLOOD CONTROL, State Water Commission reimbursement requests for FM Diversion approved

Michael Montplaisir, Cass County Auditor, said there are two reimbursement requests from the FM Diversion Authority. Request #20 includes costs for over \$6 million in property purchases and \$1.6 million for lift station work and dikes. Request #21 includes \$5 million in costs, the vast majority of which was for the business buyout of the Sidestreet Grille & Pub. After the reimbursement requests are processed a balance of over \$156 million will still remain at the state.

MOTION, passed

Mr. Pawluk moved and Mr. Peterson seconded to authorize the chairwoman to sign reimbursement request #20 in the amount of \$3,767,195; and reimbursement request #21 in the amount of \$2,580,786 to the State Water Commission to distribute funds to the FM Diversion according to the terms and conditions of Senate Bill 2020. On roll call vote, the motion carried unanimously.

13. VOUCHERS, Approved

MOTION, passed

Mr. Peterson moved and Mr. Steen seconded to approve Voucher No. 289,686 through Voucher No. 290,052. On roll call vote, the motion carried unanimously.

14. NATIONAL CONFERENCE OF STATE LEGISLATURES; TAX STATEMENTS; STATE WATER CONVENTION; FM DIVERSION LAWSUIT, Committee reports

Mr. Montplaisir said the National Conference of State Legislatures was held on December 3rd to discuss elections in Cass County. There was a tour of the county's warehouse and election equipment.

Mr. Montplaisir said tax statements were sent out last Friday, and so far there have been very few calls.

Mr. Berndt said the State Water Convention will be held later this week in Bismarck. Darrell Vanyo, Cass County Commission representative, will be presenting on the Fargo-Moorhead Diversion.

Mr. Berndt said there has been optimistic feedback from Washington on the probability of omnibus legislation being passed in the upcoming weeks and there being favorable language for a new start for the FM Diversion project.

Mr. Berndt said final arguments were made in the FM Diversion lawsuit a month ago, and the decision is now in the judge's hands. A decision could come down at any time, but the attorney has speculated that a decision will not be handed down until the MN DNR Environmental Impact Study is complete, despite the fact that they are entirely separate issues.

Mr. Rasmussen left for the remainder of the meeting.

Mrs. Scherling has been contacted by some of the townships requesting an update on the FM Diversion. Mr. Benson and Rocky Schneider of AE2S will attend a Stanley Township meeting to provide information on the matter.

15. CORRESPONDENCE, Received and filed

MOTION, passed

Mr. Peterson moved and Mr. Pawluk seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.

- Letter from Brenda Cook, Chair of the North Dakota Recorders Information Network (NDRIN), regarding action taken by the NDRIN board to refund \$500,000 from reserves to county members with refunds to be deposited into the Document Preservation Fund.

16. ADJOURNMENT

MOTION, passed

On motion by Mr. Peterson, seconded by Mr. Pawluk and all in favor, the meeting was adjourned at 4:26 PM.

ATTEST:

APPROVED:

Michael Montplaisir – Auditor
Cass County, North Dakota

Mary Scherling, Chairwoman
Cass County Board of Commissioners